

REMARKS/ARGUMENTS

Claims 1, 2, 4 and 6 are currently pending in this application, as amended. By the present amendment claim 1 has been amended and claims 3 and 5 have been cancelled. Applicants submit that no new matter has been introduced into the application by these amendments.

Claim Rejections - 35 USC § 112

In the action, claim 5 was rejected under 35 USC § 112, second paragraph, as being indefinite. In response, claim 5 has been canceled. Accordingly this rejection should be withdrawn.

Claim Rejections - 35 USC § 103

In the action, claims 1-2 and 4-6 were rejected under 35 USC § 103(a) as unpatentable over combination of DE 102 53 495 and U.S. Patent No. 2,392,573 to Brock et al. Applicants respectfully traverse this rejection.

As amended, claim 1 is directed to a traction mechanism drive comprising an integrated generator with the traction mechanism roller arranged on a generator shaft over which a traction mechanism is guided. The generator is mounted in a displaceable manner in order to set traction mechanism in tension counter to a

restoring force. The traction mechanism roller is de-coupable from the generator shaft of the generator via a freewheel for damping peak loads occurring on a drive side, and the generator is set in tension in a displaceable manner by a hydraulic element.

As claim 1 now incorporates the subject matter of claim 3, this rejection in view of the combination of DE 102 53 495 and Brock et al. has been rendered moot.

Claim 3 was rejected under 35 U.S.C. § 103 (a) as unpatentable over the prior combination further in view of U.S. Patent No. 4,973,290 to Hans et al. Applicants respectfully traverse this rejection. As claim 1 has been amended to incorporate claim 3, the rejection will be addressed with respect to amended claim 1.

The action admits that DE 102 53 495 and Brock et al. do not suggest or disclose the generator being set in tension in a displaceable manner by a hydraulic element. Hans et al. is cited as disclosing this feature; however, Hans et al. merely discloses a hydraulic shock damper (6) that is used in connection a coil spring (7), and it is clear in this arrangement that the hydraulic element is merely for damping and the spring element sets the tensioning device in tension. In contrast, the present claim 1 requires that the hydraulic element sets the generator in tension in a displaceable manner, which is neither suggested nor disclosed by Hans et al. or any of the other cited references. Accordingly, withdrawal of this § 103 rejection is respectfully requested.

Applicant: Painta et al.
Application No.: 10/598,806

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1, 2, 4 and 6, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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